UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,697	04/15/2004	Stephen William Byng	7051P002	9200

			EXAMINER
8791	7590	12/12/2006	CABUCOS, MARIE G

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ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/825,697	BYNG, STEPHEN WILLIAM
	Examiner	Art Unit
	Marie Antoinette Cabucos	2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2004*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☒ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an

application filed in Australia on 4/15/2003. It is noted, however, that applicant has not

filed a certified copy of the 2003901806 application as required by 35 U.S.C. 119(b).

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only

that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1-4 and 18 are rejected under 35 U.S.C. 112, second paragraph, as

being incomplete for omitting essential steps, such omission amounting to a gap

between the steps. See MPEP § 2172.01. Claim 1 recites "identifying and classifying

data" in line 5. It is unclear where data came from and its connection to providing

access. This rejection propagates downward through claims 2-4 and 18.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-20 are directed towards method steps, which can be practiced mentally in conjunction with pen and paper, therefore, they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the method steps. The claimed steps do not define a machine or computer implemented process.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirsch et al (US Publication no. 2002/0052235).

Regarding claim 1, Hirsch discloses in figures 3 and 7 a method of providing access to data in a data system, said method comprising the steps of identifying and

classifying data as non-critical data (218, RAM) or critical data (220, ROM); and

classifying critical data as authoritative data (206) in situations where the data requires

immediate access in order to provide a seamless interface to a user, the authoritative

data being the most recent value of a data entry (102, 104, 214).

Regarding claims 2-4, Hirsch discloses in figures 3 and 7 a method of providing

access to data in a data system, said method further comprising the steps of storing the

authoritative data in an authoritative data storage module (206, Sprite RAM) and

subsequently displaying the authoritative data to the user (120, 122); storing the

classification of the data in a file means and thereafter storing the data in a designated

location in accordance with the classification of the data (figure 3); and adjusting the

classification of the data in accordance with a change in the current environment

(paragraph 0010 and 0030).

Regarding claim 18, Hirsch discloses in figures 3 and 7 a computer program

means for directing a processing means (202) to execute a procedure to enable access

to data in a data system according to any of the method steps of claim 1.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by LeMay

et al (US Publication no. 2003/0078103).

Regarding claim 1, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a

method of providing access to data in a data system, said method comprising the steps

of identifying and classifying data (game events) as non-critical data or critical data; and

classifying critical data as authoritative data (critical game event) in situations where the

data requires immediate access in order to provide a seamless interface to a user, the

authoritative data being the most recent value of a data entry (paragraph 0121).

Regarding claims 2-4, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a

method of providing access to data in a data system, said method further comprising

the steps of storing the authoritative data in an authoritative data storage module (229)

and subsequently displaying the authoritative data to the user (54); storing the

classification of the data in a file means and thereafter storing the data in a designated

location in accordance with the classification of the data (81, 82, 226); and adjusting the

classification of the data in accordance with a change in the current environment

(paragraph 0234).

Regarding claim 5, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a

method of writing data to a data storage module, said method comprising the steps of

classifying a newly created data entity (game events) as critical data or non-critical data;

obtaining a current value of the data entity (paragraph 0121); determining the location at

which the current value is to be stored in the data storage module on the basis of the

classifying step; and storing the current value in the determined location (paragraph

0087).

Regarding claim 6, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a

method of writing data to a data storage module according to claim 5 further comprising

the step of storing the current value of the data entity in volatile storage of the data

storage module where the current value of the data entity is not critical data (paragraph

0123, sequence events and paragraph 0224, VRAM).

Regarding claims 7 and 8, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a method of writing data to a data storage module according to claim 5 further comprising the step of storing the current value of the data entity in an authoritative source of the data storage module where the current value of the data entity is authoritative data; and storing the current value of the data entity in non-volatile storage of the data storage module where the current value of the data entity is not authoritative data (paragraph 0121, critical game event).

Regarding claims 9, 16 and 17, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a method of communicating between a source component and a destination component of a data system across one or more environments, said method comprising the steps of identifying the relative location of the source component and the destination component; determining if the source component and destination component are within the same environment or separate environments; and establishing communication between the source component and destination component on the basis of the determining step (paragraph 0087-0088).

Regarding claims 10-12, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a method of communicating between a source component and a destination component of a data system across one or more environments according to claim 9 further comprising the step of determining if the source component and destination component share the same process where the source component and destination component share the same environment; establishing a communications mechanism between the source component and destination component as an intra-process communication where the

source component and destination component share the same process; and wherein the source component and destination component communicate through function calls (paragraph 0089).

Regarding claims 13-15, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a method of communicating between a source component and a destination component of a data system across one or more environments according to claim 10 further comprising the step of establishing a communications mechanism between the source component and destination component as an inter-process communication where the source component and destination component are in different processes but share the same environment (paragraph 0090); using a network protocol for communicating between the source component and the destination component where the source component and destination component are in different environments (paragraph 0222); and using a distributed communication mechanism for communicating between the source component and the destination component where the source component and destination component are in different environments (paragraph 0091 and figure 15).

Regarding claims 18-20, LeMay discloses in figures 1, 2A, 2B, 10, 11, 14 and 15 a computer program means for directing a processing means (92, 224) to execute a procedure according to any of the method steps of claims 1, 5 and 9.

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art of record to Rantala et al (US Patent no. 5,680,570) discloses a memory system with dynamically allocatable non-volatile storage capability.

Prior art of record to Shun Moriya (US Patent no. 6,449,687) discloses a computer readable medium and information processing apparatus.

Prior art of record to Breckner et al (US Patent no. 6,902,481) discloses a decoupling of the graphical presentation of a game from the presentation logic.

Prior art of record to Dwayne R. Nelson (US Patent no. 7,111,141) discloses a dynamic NV-RAM.

Prior art of record to Binh T. Nguyen (US Publication no. 2002/0071557) discloses a secured virtual network in a gaming environment.
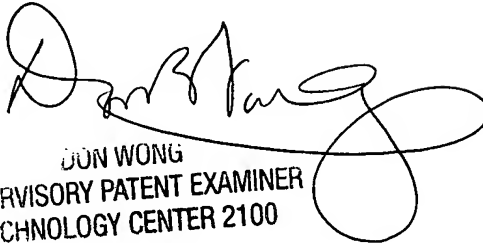
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie Antoinette Cabucos whose telephone number is 571-272-8582. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marie Antoinette Cabucos
Examiner
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